

REMARKS

Allowance of claims 10-13 and 28 is noted with appreciation.

Rejected claims 27, 29 and 30 have been cancelled.

Claims 1, 4-7, and 14-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable under McDonough et al '693 in view of Visual Decision's Discovery for Developers (VDDD). This rejection is respectfully traversed with respect to these claims as amended herein.

Each of the independent claims 1, 15 and 16 variously recite, inter alia: "wherein at least one of said incoming communications is categorized along said third axis based on whether the at least one of the incoming communications originated internally or externally."

In addition, the dependent claims are further restricted by various recitations of sizes or spaced locations or shapes of displayed objects, or characteristics of displayed objects relative to the incoming communications, or the like. Thus, the three-dimensional graphical presentation on these generally orthogonal axes denotes different types of incoming communications on the first axis, and numbers of incoming communications on the second axis, and categories of incoming communications on the third axis (as indicative of different types of origination). These aspects of the claimed invention are not disclosed or suggested by the cited references considered either alone or in the combination proposed by the Examiner.

Specifically, as the Examiner properly noted (at para. 3.1) McDonough et al '693 fails to disclose determining whether an incoming call, including telephone and voicemail, are internal or external callers. Additionally, the Examiner properly noted that there is no motivation to modify McDonough et al '693 to include internal telephone calls and voice messages in a 3-D graphic representation of incoming calls.

Nor is there any disclosure or reasonable suggestion contained in the Visual Decision's Discovery for Developers (VDDD) reference of the specific limitation "wherein at least one of said incoming communications is categorized along said third axis based on whether the at least one of the incoming communications originated internally or externally," as now claimed by the Applicant.

Thus, merely combining these references constitutes an impermissible reconstruction of the limited disclosures that can only be accomplished using instructions derived from Applicant's own specification. And, such combination of the references as proposed by the Examiner nevertheless fails to establish even a *prima facie* basis, including all recited elements, from which a proper determination of obviousness can be made. It is therefore respectfully submitted that claims 1, 4-7 and 14-19 as amended herein are now patentably distinguishable over the cited art.

Claims 20-26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Microsoft Windows 95. This rejection is respectfully traversed

with respect to these claims as amended herein.

Independent claim 20 now specifically recites “wherein at least one of said incoming communications is categorized along said third axis based on whether the at least one of the incoming communications originated internally or externally.”

Additionally, the dependent claims are further limited by various recitations of sizes or spaced locations or shapes of displayed objects, or characteristics of displayed objects in relation to incoming communications.

These aspects of the claimed invention involve display characteristics that are not disclosed or even fairly suggested by the Windows 95 reference. As the Examiner properly noted, this reference fails to specifically teach displaying a drawings (graph) in three dimensions including first, second and third axes denoting selected characteristics of incoming communications. More specifically, there is no disclosure or any reasonable suggestion in this reference of the distinctive claim recitation “wherein at least one of said incoming communications is categorized along said third axis based on whether the at least one of the incoming communications originated internally or externally.” It is therefore respectfully submitted that claims 20-26 are now patentably distinguishable over the cited art.

Allowance of claims 10-13 and 28 is noted with appreciation.

Entry of this amendment, which is submitted to place this application in

condition for allowance, is respectfully requested. In the event the Examiner decides to continue the rejection, he is respectfully requested to enter this Amendment in order to clarify and simplify the issues for appeal.

Respectfully submitted,
Deborah L. Pinard

Dated: 1/3/06

By: Albert C. Smith
Albert C. Smith, Reg. No. 20,355
Fenwick & West LLP
801 California Street
Mountain View, CA 94041
(Tel) 650.335.7296
(Fax) 650.938.5200